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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,251	01/08/2004	David H. Hanes	100203960-1	6734

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EXAMINER	
ADEGEYE, OLUWASEUN	
ART UNIT	**PAPER NUMBER**
2621	

NOTIFICATION DATE	DELIVERY MODE
01/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/753,251	HANES, DAVID H.	
	Examiner	Art Unit	
	Oluwaseun A. Adegeye	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01/08/2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01/08/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/08/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 10 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4 – 5, 7 – 11, 14 – 16, 18 – 19, 21 - 23 and 25 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee et al (US 6,973,130 B1) in view of Fu et al (US 2004/0136352 A1).

As to **claim 1**, Wee discloses a method of analyzing a moving pictures expert group (MPEG)-formatted video/audio file, comprising (see column 13, lines 14 – 30):

defining a rule comprising at least one parameter that logically defines a format requirement (column 22, lines 18 – 37 discloses a rule for recognizing Mpeg format)

reading a portion of the file (sequence header) (see column 17, lines 7 – 21, column 22, lines 18 - 24 and column 23, lines 2 – 12);

comparing the portion of the file with the rule (see column 21, line 62 – column 22, line 2 and column 22, lines 18 – 37) ; and

determining whether the file violates the rule (see column 22, lines 18 – 37).

However Wee does not disclose defining a rule comprising at least one parameter that logically defines a format requirement for determining whether the MPEG-formatted file is decodable on a first type of MPEG-capable decoder but not decodable on a second type of MPEG-capable decoder.

Fu discloses defining a rule comprising at least one parameter that logically defines a format requirement for determining whether the MPEG-formatted file (see [37] and [39]) is decodable on a first type of MPEG-capable decoder but not decodable on a second type of MPEG-capable decoder (see [025]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the step of determining whether the MPEG-formatted file is decodable on a first type of MPEG-capable decoder but not decodable on a second type of MPEG-capable decoder as taught by Fu to the apparatus of Wee to provide access for legacy devices to ensure interoperability with legacy and disparate systems (see [005]).

As to **claim 10**, this is an apparatus claim corresponding to the method claim 1. Therefore, claim is analyzed and rejected as previously discussed with respect to claim 1.

As to **claim 25**, grounds for rejecting claim 10 apply to claim 25 in its entirety.

As to **claim 18**, this claim is similar to claim 1 only in that it has the limitation "computer readable medium executed by a processor".

Wee discloses an encoding software and a computer (133) (see column 11, lines 2 – 6, column 12, lines 1 - 13 and column 17, lines 7 – 21).

As to **claim 4**, Wee discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a standardized format requirement (column 22, lines 18 – 37 discloses a rule for recognizing Mpeg format).

As to **claim 5**, Wee discloses the method according to claim 1, wherein defining a rule comprises defining a rule having at least one parameter logically defining a MPEG format requirement (column 22, lines 18 – 37 discloses a rule for recognizing Mpeg format).

As to **claim 7**, Wee discloses the method according to claim 1, wherein reading a portion of the file comprises locating a sequence header of the file (see column 17, lines 7 – 21, column 22, lines 18 - 24 and column 23, lines 2 – 12);

As to **claim 8**, Wee discloses the method according to claim 1, wherein comparing the portion of the file comprises determining whether the file comprises a group of pictures (GOP) header (see column 17, lines 7 – 21 and column 23, lines 2 – 12);

As to **claim 9**, Wee discloses the method according to claim 1, further comprising transcoding the file upon determining the file violates the rule (see column 7, lines 12 – 24, column 12, lines 33 – 38 and column 22, lines 46 - 62).

As to **claim11** this is an apparatus claim corresponding to the method claim 5. Therefore, claims 11 is analyzed and rejected as previously discussed with respect to claim 5.

As to **claim 14**, this is an apparatus claim corresponding to the method claim 8. Therefore, claim 14 is analyzed and rejected as previously discussed with respect to claim 8.

As to **claim 15**, this is an apparatus claim corresponding to the method claim 9. Therefore, claim 15 is analyzed and rejected as previously discussed with respect to claim 9.

As to **claim 16**, this is an apparatus claim corresponding to the method claim 7. Therefore, claim 16 is analyzed and rejected as previously discussed with respect to claim 7.

As to **claim 19**, this is a computer readable medium claim corresponding to the method claim 5. Therefore, claim 19 is analyzed and rejected as previously discussed with respect to claim 5.

As to **claim 21**, this is a computer readable medium claim corresponding to the method claim 8. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claim 8.

As to **claim 22**, this is a computer readable medium claim corresponding to the method claim 7. Therefore, claim 22 is analyzed and rejected as previously discussed with respect to claim 7.

As to **claim 23**, this is a computer readable medium claim corresponding to the method claim 9. Therefore, claim 23 is analyzed and rejected as previously discussed with respect to claim 9.

As to **claim 26**, grounds for rejecting claim 9 apply to claim 26 in its entirety.

4. Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee in view of Fu as applied to claims 1, 10, 18 and 25 above, and further in view of Shirakawa et al (US 2002/0044760 A1).

As to **claim 2**, Wee in view of Fu discloses the method according to claim 1. However they do not disclose wherein defining a rule further comprises defining a rule that comprises a parameter for addressing the portion of the file.

Shirakawa discloses wherein defining a rule further comprises defining a rule that comprises a parameter for addressing the portion of the file (see [10] [269] and [323].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added addressing the portion of the file taught by Shirakawa to the method of Wee in view of Fu to facilitate editing such as overwriting and to raise the speed of fast playback (see [48] and [51]).

As to **claim 3**, Wee in view of Fu and further in view of Shirakawa discloses the method according to claim 2. Wee discloses wherein defining a rule that comprises a parameter for addressing the portion further comprises defining a rule that comprises a parameter specifying a bit rate of the file (see column 22, lines 24 – 27).

As to **claim 13**, this is an apparatus claim corresponding to the method claim 3. Therefore, claim 13 is analyzed and rejected as previously discussed with respect to claim 3.

5. Claims 6, 12 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Wee in view of Fu as applied to claims 1, 10, 18 and 25 above, and further in view of Ueda et al (US 2001/0026511 A1).

As to **claim 6**, Wee in view of Fu discloses the method according to claim 1. However they do not disclose wherein defining a rule comprises defining a rule having at least one parameter logically defining a digital versatile disc (DVD) format requirement.

Ueda discloses wherein defining a rule comprises defining a rule having at least one parameter logically defining a digital versatile disc (DVD) format requirement (see [208]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added defining a DVD format taught by Ueda to the apparatus of Wee in view of Fu to provide a method capable of preventing occurrence of an error end of a Read Modify Write process in a computer environment (see [53]).

As to **claim 12** this is an apparatus claim corresponding to the method claim 6. Therefore, claims 12 is analyzed and rejected as previously discussed with respect to claim 6.

As to **claim 20**, this is a computer readable medium claim corresponding to the method claim 6. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 6.

Wee discloses an encoding software and a computer (133) (see column 11, lines 2 – 6, column 12, lines 1 - 13 and column 17, lines 7 – 21).

6. Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee in view of Fu as applied to claims 1, 10, 18 and 25 above, and further in view of Nakamura et al (US 2002/0169742 A1).

As to **claim 17**, Wee in view of Fu discloses the system according to claim 10. However they do not disclose wherein the application is adapted to determine whether the file comprises a group of pictures disposed between a sequence start code and a sequence end code of the file.

Nakamura discloses wherein the application is adapted to determine whether the file comprises a group of pictures disposed between a sequence start code and a sequence end code of the file (see [103]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the GOP between the sequence start code and the sequence end code as taught by Nakamura to the apparatus of Wee in view of Fu to protect a software by a proper creator (see [008]).

As to **claim 24**, this is a computer readable medium claim corresponding to the system claim 17. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claim 17.

Wee discloses an encoding software and a computer (133) (see column 11, lines 2 – 6, column 12, lines 1 - 13 and column 17, lines 7 – 21).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0044760 A1 discloses groups of pictures and sequence header.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluwaseun A. Adegeye whose telephone number is 571-270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/21/2007

O.A

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